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## Waste Bylaw Amendments

### Recommendation

That the Standing Policy Committee on Environment, Utilities and Corporate Services recommend to City Council:

1. That Bylaw No. 8310, The Waste Bylaw, 2004 be amended as outlined in this report to improve education and enforcement opportunities in the community; and
2. That the City Solicitor be requested to prepare the appropriate amendment to Bylaw No. 8310, The Waste Bylaw, 2004.

### Topic and Purpose

The purpose of this report is to amend Bylaw No. 8310, The Waste Bylaw, 2004 (the “Bylaw”) to improve waste-related education and enforcement efforts in the community. Proposed changes include increasing fines and enforcement measures for illegal dumping, expanding the definition of unacceptable waste, and incorporating revisions that will result in efficiencies for Environmental Protection Officers (EPOs) when conducting inspections.

### Report Highlights

1. The Bylaw addresses requirements for the collection, handling and disposal of waste and recycling material in Saskatoon. EPOs administer the enforcement of the Bylaw.
2. The waste and recycling cart placement education initiative has provided education for residents with back lane cart collections since 2014.
3. Revisions in the Bylaw will result in efficiencies and other opportunities for education and enforcement.
4. Fines for illegal dumping have not increased since the Bylaw was created in 2004. The Administration recommends increasing fines for illegal dumping to \$500.
5. The Administration will be implementing the option to ticket vehicle owners for vehicles involved in illegal dumping infractions, as permitted under *The Cities Act*.
6. Expanding the definition of “unacceptable waste” will strengthen enforcement options for infractions involving waste and recycling carts.

### Strategic Goals

This report supports the Strategic Goal of Continuous Improvement by increasing productivity by being more efficient in the way the City does business. This report also supports the Strategic Goal of Environmental Leadership by promoting city-wide recycling.

### **Background**

On May 3, 2004, City Council approved the creation of Bylaw No. 8310, The Waste Bylaw, 2004.

On December 1, 2016, City Council approved the 'Fees for Waste-Related Services 2017, 2018, 2019' report which included amendments to The Waste Bylaw, 2004. These amendments included updates to the Rate Schedules for Landfill Fees, Commercial Garbage Collection, Residential Recycling Programs and Compost Depot Commercial Haulers. The bylaw fines for illegal dumping have never been increased.

### **Report**

#### The Waste Bylaw

The purpose of the Bylaw is to protect the health and welfare of people and provide for the abatement of nuisances and protection of the environment by regulating and monitoring the collection, handling, and disposal of waste and recyclable material within the City.

Two EPOs administer the Bylaw. Education and enforcement efforts are largely focussed on illegal dumping, improper use of waste and recycling carts or metal bins, and misuse of the recycling depots.

#### Waste and Recycling Cart Education Placement Initiative

Waste and recycling carts left out in back lanes contribute to numerous concerns including: illegal dumping, theft, damage, scavenging, misuse, unsightliness, and congestion for residents and collection trucks.

Since 2014, EPOs have been conducting neighbourhood blitzes to educate residents about proper cart placement requirements. This employs an 'education first', three-step approach:

1. If any waste or recycling carts are found to be left out after collection day, the EPOs will deliver education letters to the residents informing them of their responsibility to return their carts to their property;
2. If a subsequent inspection shows that cart placement continues to be a concern, a warning letter is issued; and
3. If a third inspection shows that carts are still out, a Notice of Violation (\$100 ticket) is issued.

Neighbourhood blitzes are resource intensive and the timeframe from the education stage to the ticketing stage is on average 5 to 6 weeks. By 2018, it is anticipated that residents in all neighbourhoods with back lane collection will have had an opportunity to be educated about their cart placement responsibilities under the Bylaw.

#### Efficiencies Resulting from Waste Bylaw Amendments

Under the Bylaw, EPOs are currently required to conduct two inspections to confirm if a cart has been left in the public right-of-way for more than 24 hours. With the current

three-step approach, this requires six inspections in order to issue a \$100 ticket. The proposed bylaw amendments will include a set time for carts to be removed from the public right-of-way on collection days, similar to the requirements that are identified in the City of Calgary's Waste and Recycling Bylaw. This would then require only one inspection to confirm if a cart has been left out after collection day. Less time spent on inspections can result in other opportunities for the EPOs to educate and enforce the Bylaw across the community.

### Increased Fines for Illegal Dumping

All fines under the Bylaw are set at \$100 for the first offense and \$200 for the second offense. These fines were approved in 2004 and have never been increased. In light of increased instances of illegal dumping, in conjunction with the seriousness of the offense, the Administration is proposing that a separate category of fine be created for illegal dumping set at \$500 for a first offense and \$1,000 for a second offense. Increased fine amounts should help increase deterrence and better reflect actual impacts on the community. Cleanup costs associated with illegally dumped materials at City recycling depots, back lanes, parks and road ditches are estimated at over \$300,000 per year.

### Ticketing of Vehicle Owners for Illegal Dumping

EPOs have difficulty issuing tickets for illegal dumping as individuals have often left the scene of the offense or the identity of the individual is difficult to obtain. Subsection 335(2) of *The Cities Act* states, in part that, "If a vehicle is used in the commission of an offence against a bylaw involving a vehicle, the owner of the vehicle is liable for the offence, as well as any other person who may have actually committed the offence". The "owner" of a vehicle is defined as "the person to whom a current certificate of registration or registration permit for a vehicle is issued".

Due to the difficulty in tracking down individuals in the act of committing the offense and the inability of EPOs to pull drivers over, the Administration is proposing to utilize Subsection 335(2) of *The Cities Act* and ticket vehicle owners for illegal dumping offences involving a vehicle. Tickets would be sent out by registered mail after issuance in these circumstances.

### Expanding the Definition of Unacceptable Waste

The current definition of "unacceptable waste" for waste and recycling carts includes only hazardous waste, liquids and tires. The Administration recommends expanding this list to include other items that pose safety or health concerns, as well as items that do not meet the permit requirements for landfill disposal. These materials include, but are not limited to, asbestos, needles, hot ashes, propane cylinders, and used oil. By including these materials under the definition of unacceptable waste, EPOs will be able to issue tickets for placement of these items into waste or recycling carts.

### **Options to the Recommendation**

City Council may choose to not proceed with amendments to the Bylaw. City Council may also choose to approve alternate fines for illegal dumping or other Bylaw infractions.

### **Communication Plan**

The goal of Waste Bylaw education and enforcement is to help residents and businesses understand their responsibilities under the Bylaw for a broader community benefit. EPOs respond to complaints, conduct investigations and follow-up with residents and businesses in person, by phone or by letter. City Councillors are provided with advance notification when a neighbourhood blitz will be conducted in their ward(s). Loraas Recycle and Cosmopolitan Industries work with City EPOs to enforce the Bylaw for the residential recycling programs.

Requirements of the Bylaw are already communicated in part through signs at the Saskatoon Landfill and the Recycling Depots, with information and graphics on the City website, and through education letters and warning letters issued by EPOs. Any amendments to the Bylaw would be communicated through the same means. Residents can learn more about the Waste Bylaw, illegal dumping, and cart placement requirements on the City website at [saskatoon.ca](http://saskatoon.ca). Residents can also report illegal dumping or other Waste Bylaw infractions by calling the 24-hour Customer Service Centre at 306-975-2486 or by completing the online form located at [saskatoon.ca/garbage](http://saskatoon.ca/garbage). Attachment 1 identifies information on cart placement requirements and illegal dumping reporting options on the City website.

### **Financial Implications**

Waste Bylaw education and enforcement initiatives are largely funded under the Waste Reduction and Resource Recovery Service Line. The Residential Recycling Utilities also fund a portion of the work done by EPOs. Increases to fines for illegal dumping may result in increased general revenues, however, based on the low number of tickets that are successfully issued for illegal dumping infractions, this is not anticipated to be a significant amount.

### **Environmental Implications**

Environmental protection measures will continue through the education and enforcement of the Bylaw. Ideally the frequency of illegal dumping and improper placement of waste will be reduced through improved education and enforcement measures.

### **Other Considerations/Implications**

There are no policy, public and/or stakeholder involvement, privacy or CPTED implications or considerations.

### **Due Date for Follow-up and/or Project Completion**

Updates on Bylaw education and enforcement initiatives will be included in the 2017 Integrated Waste Management Annual report.

**Public Notice**

Public Notice pursuant to Section 3 of Policy No. C01-021, Public Notice Policy, is not required.

**Attachment**

1. Cart Placement Requirements and Illegal Dumping Online Reporting

**Report Approval**

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